

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rutheron & Plaza Blanca

Subfile No. CHRU-001-0012

MOTION TO VACATE CONSENT ORDER

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to vacate the Consent Order filed September 19, 2003 (Doc. No. 7264) in connection with defendant David C. Beach and subfile CHRU-001-0012, and as grounds therefore Plaintiff states as follows:

1. The State has been provided with a plat of survey showing that the property boundaries for subfiles CHRU-001-0012 (David C. Beach), subfile CHRU-001-0010 (Charles R. & Leatrice H. Beach Trust) and subfile CHRU-001-0011 (Florence C. Beach) were incorrectly mapped. The mapping of all of these subfiles has been corrected. The defendants in all of these subfiles have signed and approved corrected and revised subfile orders.

2. The Consent Order filed September 19, 2003 in subfile CHRU-001-0012 should be vacated.

3. The Defendant David C. Beach does not oppose granting this motion.

WHEREFORE, the Plaintiff State of New Mexico requests the Court to vacate the Consent Order filed September 19, 2003 (Doc. No. 7264) in connection with defendant David C. Beach and

subfile CHRU-001-0012.

Respectfully submitted,

/electronic signature/
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Motion to Vacate Consent Order was mailed to following persons on October 13, 2005.

/electronic signature/
Edward G. Newville

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